

SENATE BILL No. 461

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-6.1-4-26.

Synopsis: Dismissal of teachers from extracurricular duties. Provides procedures, including a hearing, that the governing body of a school corporation must follow to dismiss a teacher from an extracurricular assignment, including coaching duties.

Effective: July 1, 1999.

Paul

January 13, 1999, read first time and referred to Committee on Education.



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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 461

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-6.1-4-26 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]: **Sec. 26. (a) This section governs the dismissal of a**
4 **permanent or semi-permanent teacher from an extracurricular**
5 **assignment, including coaching duties.**

6 **(b) The governing body of a school corporation shall adopt**
7 **guidelines concerning the grounds for dismissing a teacher from an**
8 **extracurricular assignment. The reasons may include the**
9 **following:**

10 **(1) Immorality.**

11 **(2) Insubordination, which means a willful refusal to obey the**
12 **state school laws or reasonable rules prescribed for the**
13 **government of the school corporation.**

14 **(3) Neglect of duty.**

15 **(4) Incompetency or an inability to perform the**
16 **extracurricular assignment.**

17 **(5) Justifiable decrease in the number of extracurricular**



assignments.

(6) A conviction for:

(A) rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age;

(B) criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age;

(C) child molesting (IC 35-42-4-3);

(D) child exploitation (IC 35-42-4-4(b));

(E) vicarious sexual gratification (IC 35-42-4-5);

(F) child solicitation (IC 35-42-4-6);

(G) child seduction (IC 35-42-4-7); or

(H) incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age; or

(7) Other good and just cause including the best interest of the school corporation.

(c) Pending a decision on dismissal of a teacher from an extracurricular assignment, the governing body may suspend the teacher from performing the extracurricular assignment. However, while a teacher is suspended, the governing body may not withhold from the teacher's salary payments or other employment related benefits that the teacher was entitled to receive before the suspension.

(d) The following procedures must be followed to dismiss a permanent or semi-permanent teacher from an extracurricular assignment:

(1) The governing body shall notify the teacher in writing of the date, time, and place for the consideration by the school corporation of dismissing the teacher from an extracurricular assignment. This notification must occur not more than forty (40) days nor less than thirty (30) days before the consideration of dismissal.

(2) The governing body shall furnish the teacher, within five (5) days after a written request from the teacher, a written statement of the reasons for the consideration of dismissal.

(3) The teacher may file a written request for a hearing within fifteen (15) days after receipt of the notice of the consideration of dismissal.

(4) If the teacher files a request for a hearing, the teacher shall be given a hearing before the governing body on a day not earlier than five (5) days after filing of the request.

(5) The governing body shall give the teacher at least five (5) days notice of the time and place of the hearing.



1 (6) At the hearing, the teacher is entitled to the following:

2 (A) A full statement from the governing body of the
3 reasons for the proposed dismissal.

4 (B) The opportunity to be heard on the reasons for the
5 proposed dismissal.

6 (C) The opportunity to present the testimony of witnesses
7 and other evidence bearing on the reasons for the proposed
8 dismissal.

9 (7) The governing body may not dismiss a teacher from an
10 extracurricular assignment until the following occur:

11 (A) A hearing is held, if a hearing is requested by the
12 teacher.

13 (B) The superintendent of the school corporation gives a
14 recommendation on the dismissal. The superintendent
15 shall present a recommendation on the dismissal not later
16 than five (5) days after the governing body notifies the
17 superintendent that the recommendation is required.

18 (8) The governing body may appoint an agent who is not an
19 employee of the school corporation, but who may be a
20 member of the governing body or an attorney retained to
21 administer the hearing proceedings under this section, for the
22 purpose of issuing subpoenas for the attendance of witnesses
23 for either party at the hearing. A subpoena issued under this
24 section shall be:

25 (A) served by the party who seeks to compel the attendance
26 of a witness; and

27 (B) upon application to the court by the party, enforced in
28 the manner provided by law for the service and
29 enforcement of subpoenas in a civil action.

30 (e) After complying with subsection (d) and in accordance with
31 the guidelines adopted under subsection (b), the governing body
32 may vote to dismiss a teacher from an extracurricular assignment.
33 The governing body must take the vote on the date and at the time
34 and place specified in subsection (d)(1). A majority vote that is
35 evidenced in the minutes of the governing body is required for
36 dismissal. The decision of the governing body is final on the matter.

37 (f) If a governing body dismisses a teacher from an
38 extracurricular assignment in violation of this section, the teacher
39 may bring an action against the governing body for an order
40 requiring the reinstatement of the teacher in the extracurricular
41 assignment and the restoration of the teacher's full rights in
42 connection with the extracurricular assignment.

